



P7307131

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE**

MEMORANDUM

TO: HONORABLE Philip M. Halpern
U.S. DISTRICT JUDGE

FROM: JOHN DEPIERRI
U.S. PROBATION OFFICER

RE Richard Leaf
22 CR 159 (PMH)

DATE: July 21, 2023

Reference is made to the above-captioned defendant who pleaded guilty to one count of Receipt of Child Pornography. The Presentence Investigation was referred to this office on June 29, 2023. Sentencing for this matter is presently scheduled for January 19, 2024.

Because this offense involved sexual deviancy, we are requesting that the defendant undergo a psychosexual evaluation. The use of psychosexual evaluations to determine the treatment needs of defendants convicted of sex offenses and risk assessment to the community is consistent with the Probation Department's historical reliance on the expertise of mental health professionals. In relation, we believe that a psychosexual evaluation would prove beneficial to Your Honor in fashioning an appropriate sentence.

Accordingly, we are respectfully requesting that Your Honor order that a psychosexual evaluation be performed by Empire State Forensics, and that they be authorized to gain access to the Westchester County Correctional Facility with a computer. This evaluation is authorized pursuant to 18 USC 3552(c) and payment for it is provided under 18 USC 3672.



If Your Honor grants permission for the evaluation, we would not expect to adjourn sentencing in this case but new deadlines for disclosure would be proposed for the Court's approval, in order to allow for the evaluation to be completed and still comply with the disclosure requirements of Rule 32. Empire State Forensics has indicated that their report will take approximately ten weeks to complete. It is our intent to first disclose the PSI and Empire State Forensics' report to the parties simultaneously and allow for objections before the final report is disclosed to the Court.

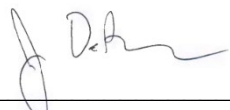
The Government and defense counsel have been advised that we are requesting a psychosexual evaluation and an adjournment, and neither party has an objection to these requests.

It is requested that Your Honor indicate the Court's decision as provided below. Counsel will be notified by copy of his form.

Respectfully submitted,

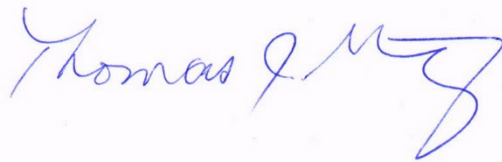
Joshua Sparks
Chief U.S. Probation Officer

By:



John M. DePierri
U.S. Probation Officer
212.805.5162

Approved By:



Thomas McCarthy
Supervisory U.S. Probation Officer



It is requested that Your Honor indicate the Court's decision below:

Psychosexual evaluation ordered: X

Psychosexual evaluation not ordered:

Other:

Adjournment granted: New date and time:

Adjournment not granted: X

Other:

White Plains, New York

July 24, 2023

Date

A handwritten signature in black ink, appearing to read "Philip M. Halpern".

Honorable Philip M. Halpern
U.S. District Judge

cc: Jennifer Ong, AUSA
U.S. Attorney's Office

Michael Kennedy Burke, Esq.
Attorney for the Defendant



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :
 : 22 CR 159 (PMH)
 - v. - :
 : ORDER
RICHARD LEAF :
 :
 Defendant :
-----X

It is hereby ORDERED that Dr. Shoshanna Must and/or her associates with Empire State Forensics, be allowed entrance into the Westchester County Jail, Valhalla, NY, in order to conduct a psychosexual evaluation of the above defendant and that they be permitted to enter with a computer that will be used to administer the necessary tests.

SO ORDERED,

Dated: White Plains, New York
July 24, 2023,

A handwritten signature in black ink, appearing to read 'Philip M. Halpern'.

Honorable Philip M. Halpern
U.S. District Judge